

BLUFFTON TOWN COUNCIL MEETING MINUTES
APRIL 12, 2016

Mayor Lisa Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Larry Toomer, Fred Hamilton, Harry Lutz and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Finance/Administrator Director Shirley Freeman, Director of Growth Management Kendra Lelie, Major/Deputy Chief Joseph Manning, and Town Attorney Richardson LaBruce were also in attendance.

Pledge of Allegiance and Invocation was given by Councilman Hamilton.

Adoption of Agenda:

Wood moved to adopt the agenda as presented. Toomer seconded. The motion carried unanimously.

Adoption of Minutes:

- a. Minutes of March 8, 2106 Meeting:

Wood moved to adopt the Minutes of March 8, 2016 as presented. Hamilton seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka recognized the following:

- Bluffton School District Character Education Student for the Month of March – Character Trait – Self-Control – Alexis Rodriguez, Pritchardville Elementary 4th Grader (She was not in attendance).
- Bluffton High School Student Vincent Angelino's Appointment to the U.S. Naval Academy
- Bluffton High School Student Jhabias Johnson for winning the South Carolina Weightlifting State Record for Squatting 755 lbs.
- American Red Cross Award for Bluffton Township Fire Chief John Thompson and his Staff. Harry Walker, Red Cross Public Affairs Volunteer, presented the award for their door-to-door free smoke alarms campaign. Also, temporary space was given to Red Cross for training classes and for disaster service vehicles parking. Walker also recognized Fire Marshall Daniel Wiltse and the Junior Explorers.

Mayor Sulka read the following proclamations:

- Child Abuse Prevention and Sexual Assault Awareness Month Proclamation which was accepted by Audre Nouraget, Hope Haven Board Member, and CJ Aiken, Hope Haven Staff.
- Proclamation Declaring April 29, 2016 Arbor Day In the Town of Bluffton which was accepted by Erin Schumacher, Senior Planner, Town of Bluffton's Growth Management Department

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Presentations, Celebrations and Recognitions - Continued:

Palmetto Bluff/NewRiverside Development Agreement Annual Update:

Courtney Hampson, Director of Marketing & Partnership, gave an overview of the Palmetto Bluff economic impact, marketing & community relations, community events, and construction updates.

Public Hearing and Final Reading:

Consideration of a Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park:

Scott Marshall, Deputy Town Manager, gave an overview.

On September 8, 2015, Town Council voted to approve the Modified Agreement between the Town and County regarding the operations of the Oyster Factory Park. The Modified Agreement transfers responsibilities and provisions for the management, maintenance, and improvements for the Oyster Factory Park from the County to the Town. This includes the rentals of the park and its facilities to the public.

In preparation for the transfer of park operations and rental management to the Town, the Town must adopt a rental fee for inclusion in the Town's Master Fee Schedule as part as the Fiscal Year 2016 Budget. This action requires an amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3, Establishment of a Master Fee Schedule.

To establish a proposed rental fee schedule for Town Council's consideration, Town Staff gathered park and facility rental fee information for comparable venues including Rotary Community Center, Beaufort County Parks and Leisure Services (PALS), Town of Hilton Head Island, Coastal Discovery Museum at Honey Horn, City of Savannah and Charleston County, D & L Seafood Corporation, among others.

Based upon the rental fee analysis and the meeting with PALS and D & L Seafood Corporation, Town Staff proposed for Council's consideration a rental fee structure for Oyster Factory Park during the January 12, 2016 Town Council meeting. Town Council directed Staff to garner additional public input. Staff met again with a D & L Seafood Corporation. At the February 11, 2016 Strategic Planning Session, Town Council directed Staff to reduce the rental rates for Oyster Factory Park.

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Consideration of a Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park – Continued:

The proposed fee structure is comparable to that currently charged by Beaufort County PALS and takes into consideration non-profits, adjacent lawn area surrounding the Garvin House, and associated costs and impacts.

There were no changes since first reading that was held on March 8, 2016.

Mayor Sulka opened the public hearing at 6:41 p.m.

Public Comments:

Sable Brown – inquired on who set the fees?

Marshall stated the steps taken were as reflected in the Staff Report.

Public hearing closed at 6:42 p.m.

Hamilton moved to have final reading on the Proposed Amendment to Ordinance No. 2015-14 Fiscal Year 2016 Budget, Section 3. Establishment of a Master Fee Schedule to Include Rental of the Facilities at Oyster Factory Park. Lutz seconded. The motion carried unanimously.

Public Comments:

Cathy Shearouse, Jim 'n Nicks' representative, stated they will be celebrating their 10 year anniversary by having a party On April 15th with 10% of proceeds going to the B3 Scholarship Program.

Margie Fox, 2 State of Mind, stated (referring to CODA Proclamation) that South Carolina is number one in domestic abuse. She also stated her concerns of the lack of parking in the Promenade area. She encouraged Town Council to find solutions for the immediate and future growth needs for parking.

Doug Hancock, thanked Town Council and Staff for setting the new rules in the Town's parks, especially Dubois Park.

Reggie Messex, 1189A May River Road, requested Town Council's assistance on tearing down his block building located on the corner of Calhoun and Bridge Streets. The Town has deemed it to be of historic significant. He cannot sell the building because of its condition and underground gas tanks located on the property.

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Public Comments – Continued:

Mike Raymond, 5827 Ginkgo Lane, stated there was a need to increase Town Council membership because of the growth. There will be more voices and greater diversity. Committees could be created to work on all issues. Because of many previous candidates, there is no lack of desire for citizens to get involved.

Sharon Brown, 163 Buck Island Road, questioned what was Eagles Field's design and layout. An Ad Hoc committee needs to be created to assist with the design. She also recommended creating a new Bluffton Eagles Field Action Committee.

Shauntel Richardson, 7 Albert Green Lane, asked the following questions:

- What was the date of the Town of Bluffton/Bluffton Eagles Field Action Committee Memorandum of Agreement?
- Has the Memorandum of Agreement been edited?
- Has it been updated in system?

Jonathan Frazier, 132 Simmonsville Road, questioned why the School District is building more schools instead of adding to current structures.

Skip Hoagland, 61 Sparwheel Lane, Hilton Head Island, demanded for Mayor to act on the one-year anniversary when he accused Mayor Sulka and Town Manager Orlando of promoting the Hilton Head-Bluffton Chamber of Commerce over the Greater Bluffton Chamber of Commerce by assisting in their membership drive. Also, to make the Greater Bluffton Chamber of Commerce the Town's DMO or write them a check for \$190,000.

Erin Black, Greater Bluffton Chamber of Commerce, thanked Town Council, Town Manager, and Bluffton Police for their assistance in helping with a successful "Taste of Bluffton" event last week.

Jeffrey Robinowich, 1173 May River Road, stated that the block Building located on Calhoun and Bridge Streets needs to go because of the condition. He also stated his concerns on some wrecker companies that are on the Town's rotation by having an office/storefront with no lot in Town's limits. There are security concerns on the towed vehicles. He knows of one company that has an office space but is actually located in Jasper County.

Communications from Mayor and Council:

Lutz stated he nominated Police Officer Lauren Brown as a recipient of the First Tee of the Lowcountry 2016 Community Leadership Award. The Award was in recognition of her hard work and dedication to her community. The First Tee of the Lowcountry provides an innovative and proven program that uses golf to teach children important character-building life skills, core values, and healthy habits they can use to succeed throughout their lives. He also nominated Mike Covert of Covert Air, Mike Reichenbach of Reichenbach Chevrolet, and Russ Spicer of the Wounded Warriors.

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Communications from Mayor and Council – Continued:

Mayor Sulka announced that two Bluffton High School students and one Home School student were awarded Heritage Foundation scholarships.

Mayor Sulka announced that Bluffton Today Reporter Scott Thompson has accepted a job in Athens, Georgia and thanked him for the job he did reporting on the Town.

May River Streetscape Project Update:

John Hutchinson, Capital Improvement Program Manager, gave an overview.

Improvement of the May River Road corridor is an implementation step of the Old Town Master Plan, supported by the Comprehensive Plan and the SC 46 Corridor Management Plan. The final phase of the May River Streetscape will improve approximately 2,875 linear feet of May River Road, beginning at the intersection of Jennifer Court, and ending approximately 100 linear feet east of the intersection with Pin Oak Street. The addition of sidewalks, curb and gutter, on-street parking, landscaping and lighting will improve the appearance of the corridor, while increasing safety for pedestrians. With the completion of this project, pedestrian connectivity is provided from Old Town to Buck Island Road.

The proposed project budget is approximately \$1,950,000, including design & permitting, construction, construction management, and landscaping.

The contract was awarded to Easement Acquisition consultant at the March Town Council Meeting. Contract has been finalized and signed by both parties. There will be a coordinated effort between the Town's attorney and the consultant to acquire the easements with Town Staff oversight. The plans were resubmitted to SCDOT on March 19th and comments were received on March 30th. The comments will be addressed and resubmitted along with the Design Exception Report as soon as possible. We anticipate having approval from SCDOT to move forward with easement acquisition process by mid-April. In order to maintain our current projected schedule for construction start, we will need to intensify our focus on the acquisition of the easements.

Discussion of Procedure for Changing Number of Town Council Members and Associated Impact of Such a Change to the Town of Bluffton Code of Ordinances, Chapter 2, Administration; Article 1, In General; Sections 2-2, and Town Council, Composition; and 2-3, Terms:

Scott Marshall, Deputy Town Manager, gave an overview. At the February 10-11, 2016 Strategic Planning workshop, based on the inquiry of several members of Town Council, this issue was identified as a strategic item of interest. It was agreed that the issue would be researched by staff and that Town Council would be presented, in a workshop format, with the process required to increase the number of members on Town Council from five to seven.

In researching the process as defined in the SC Code of Laws, both the Town Attorney and the Municipal Association of South Carolina were consulted. All parties were consistent in their interpretation of the procedures that are outlined in this report.

The procedure for changing the number or method of election for council members is codified in the *SC Code of Laws*, Section 5-15-30 (see attached). This section is not written as clearly as it should be, hence the consultation with the Town Attorney and the Municipal Association.

The number of Bluffton Town Council members is codified in the *Town of Bluffton Code of Ordinances*, Chapter 2, *Administration*; Article 1, *In General*; Section 2-2, *Town Council, composition*; and 2-3, *Terms*.

Process for Changing Number of Council Members:

The number of members serving on municipal governing body can only be changed by majority vote in a public referendum. The question, as framed by the municipal governing body, must be the sole item on the referendum. Further, no election on the same question may be held for two years following such a referendum.

There are two methods by which the referendum may be called: 1) by action of a majority of Town Council, or 2) by successful petition of 15% or more of registered voters in the municipality.

If the referendum is successful, then the change in number of council member is effective at the next general election of the municipality. Town of Bluffton municipal general elections are held in the odd years. The next municipal general election is in November, 2017.

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Discussion of Procedure for Changing Number of Town Council Members and Associated Impact of Such a Change to the Town Of Bluffton Code of Ordinances, Chapter 2, Administration; Article 1, In General; Sections 2-2, and Town Council, Composition; and 2-3, Terms - Continued:

Referendum by Successful Petition:

Under this method, a petition for electors' signatures is circulated calling for a referendum on changing the number of members of Town Council. In order for a signature to be valid, it must be that of an elector who is duly qualified and registered as a voter in South Carolina and must be a resident of the Town of Bluffton.

Once the petition has been submitted to the election commission, it is closed and no other signatures may be added to the petition. The petition must be certified as valid or rejected within 60 days after it has been delivered to the election commission.

The municipal governing body must call for a referendum no earlier than 30 days, and no later than 60 days following certification of the petition as valid.

The timeline for a referendum as a result of successful petition cannot be absolutely defined. Variable factors—in sequence—include the length of time the petition circulates, the length of time it takes the election commission to validate or reject the petition and the date the governing municipal body sets for the referendum.

Referendum by Action of Majority of Council:

By vote of the majority of Town Council, a referendum may be ordered. In this case, the referendum must be held no earlier than 30 days, and not later than 90 days following the vote of majority of Town Council. Under this method, the timetable for the referendum is fixed by Town Council.

Given the time constraints above, in order to place a referendum on the November, 2016 General Election Ballot, Council must adhere to the following timeline:

- July 12, 2016 Town Council Meeting – First reading of ordinance.
- August 9, 2016 Town Council Meeting – To **be rescheduled**. General Election is on November 8, 2016, which is 91 days after August 9. Referendum must be held within 90 days of action of majority of Town Council.
- August 10 or August 11, 2016 (Rescheduled) Town Council Meeting – Second and Final reading of ordinance.
- August 15, 2016 – All items to be included on November 8, 2016 General Election Ballot must be received by Beaufort County Election Commission (*SC Code of Laws*, Section 7-13-355).
- November 8, 2016 – General Election with referendum question for Town of Bluffton.

Town Council was in consensus that workshop(s) will be held for public input from citizens/community.

Discussion of an Ordinance Approving an Amendment to the Town of Bluffton Code of Ordinances, Chapter 26, *Traffic and Motor Vehicles*, which would result in the Addition of a New Article VII, *Towing and Wrecker Services*, for the Purpose of Regulating the Safe and Efficient Removal, Storage, and Safekeeping of Certain Towed Vehicles:

Major Joseph Manning, Deputy Police Chief, gave an overview. Through different discussions between Town Council members and Staff, it has been suggested the current towing procedures for vehicles within town limits should be addressed and changed if decided upon. Currently the Town Ordinance *2008-23, & 18.310 Article III – Parking, Standing, and Stopping* states the procedures for the removal of vehicles by the Bluffton Police Department. In addition, the Bluffton Police Department has *Standard Operating Police #501 Traffic Services and Towing*, which provides the objective and policy about towing vehicles. In researching the ordinance and policy, it would be more consistent with merging the two and provide more specifics on reasons for towing, which companies are legally allowed to participate in an on-call rotation, and the responsibilities/expectations of each tow company.

Discussion items are:

- What rules and regulations should be placed on a tow company to be to the included in the rotation?
 - Consideration of requirement: Must have business office and lot inside Town limits.
- Consideration to accept Beaufort County/Town of Hilton Head Island fee schedule for consistency.
 - Town of Bluffton fee schedule has not been updated since 2011.

Town Council was in consensus:

- **That towing companies on the Town's rotation are to be located within the Town limits with an office with all the components along with a secure lot.**
- **That the Towing schedule of fees will not increase after being compared to Beaufort County and Town of Hilton Head.**

Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing – First Reading:

Kendra Lelie, Director of Growth Management, gave an overview. The Planning Commission recommends Town Council approve First Reading of an Ordinance amending Article 6, *Sustainable Development Incentives* establishing a density bonus incentive for the development of workforce/affordable housing.

As set forth in Section 3.5.2 of the Unified Development Ordinance, an application for a Unified Development Ordinance (UDO) Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action. In this instance, the Affordable Housing Committee recommended the UDO Administrator initiate the application for the proposed text amendment. Town Council reviewed the proposed ordinance amendment at the February Town Council meeting and agreed to refer the ordinance to Planning Commission for a public hearing.

On November 3, 2015, the Affordable Housing Committee recommended the following amendments to Section 6.5 Sustainable Development Incentives of the Unified Development Ordinance:

1. Increase the term of affordability from ten years to thirty years.
2. A deed restriction, which is the term of affordability, is placed on an affordable/workforce unit to ensure that the unit remains affordable to low and moderate income households for a specific period of time. The expansion of the time required for the term of the deed restriction will enable the Town to increase the supply of affordable/workforce housing for a longer term which ensures a continual stock of affordable units for low and moderate-income families.
3. The addition of a density bonus as another incentive for the production of affordable/workforce housing will allow for an increase in the number of dwelling units on the site provided a certain number of affordable/workforce dwelling units are provided. The following is the proposed language to be included as an incentive within Section 6.5 Sustainable Development Incentives for applications of affordable/workforce housing developments within a place type and/or existing neighborhoods as designated on the Growth Framework Map specified in the Town's Comprehensive Plan or having an approved Neighborhood Plan:
(Continued)

Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing – First Reading - Continued:

Density Bonus. Any development providing workforce/affordable housing within a Zoning District that explicitly provides for a permitted base density shall receive a density bonus as provided below

Table 6.5.4: Density Bonus Incentive

<i>Percentage of Workforce/Affordable Housing Units</i>	<i>Density Bonus</i>
<i>Minimum 25%</i>	<i>25%</i>
<i>26-50%</i>	<i>50%</i>
<i>51-75%</i>	<i>75%</i>
<i>76+%</i>	<i>100%</i>

- All market-rate units shall be provided on site, except that, in a development undertaken in phases, stages, or otherwise developed in distinct sections, such units may be located in other phases, stages, or section, subject to the terms of the Development Plan.*
- Design guidelines. The project shall at a minimum meet the applicable design requirements in Article 5. The UDO Administrator shall review the project and determine if additional community features such as but not limited to additional open space, parking, lighting, streetscape elements (bike racks, street trees, sidewalks, multi-use paths), buffer plantings, tree preservation and architectural enhancements are appropriate based upon the ultimate density of the project.*

The Affordable Housing Committee reviewed and recommended the density bonus incentive ordinance as one technique to realize the objective of incentivizing the private development of affordable/workforce housing.

Toomer moved to have First Reading on the Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing. Lutz seconded. The motion carried unanimously.

Consent Agenda:

- a. Monthly Department Reports: Police, Finance/Administrative, Engineering, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Monthly Report
- c. Annual Development Agreements Update – Kendra Lelie, Director of Growth Management:

A table was provided on information relating to the permitted development rights originally provided, new construction statistics from 2015, cumulative construction statistics and the development rights status in the Town Development Rights Bank including the remaining development rights associated with each community.

- d. Appointment of Kim Jones as Town of Bluffton Representative to the Beaufort County Stormwater Utility Board – Kim Jones, Stormwater Division Manager:

Recommendation for Town Council to appoint Kim Jones as the ex officio representative for the Town of Bluffton to the Beaufort County Stormwater Management Utility Board. In accordance with the "Stormwater Management and Utility Agreement Between Beaufort County, South Carolina, and the Town of Bluffton, South Carolina," the Town of Bluffton holds a non-voting, ex officio seat on the Beaufort County Stormwater Management Utility Board (SWU Board). All ex officio members shall be appointed by their respective municipal councils for four-year terms. A vacancy was created for the Town's representation as Jeremy Ritchie will be stepping down from that role. To that end, Staff recommends that Kim Jones, the Stormwater Division Manager, represent the Town of Bluffton on the SWU Board.

- e. Fair Housing Resolution Affirming the Continued Dedication of the Town of Bluffton to Fair Housing Principles and Regulations Established by the State of South Carolina and United States Federal Government – John Hutchinson, Capital Improvement Program Manager:

Town Staff recommends Town Council approve a Resolution affirming the continued dedication of the Town of Bluffton to fair housing principles and regulations and designating the month of April as Fair Housing Month.

The Town of Bluffton's focus on Fair Housing extends beyond the month of April and is a continuous year-round effort exhibited by projects and programs. A critical component of these efforts is our ability to acquire grant funding. A key Federal requirement to obtain these funds is that the Town Council certifies that the Town of Bluffton will affirmatively further fair housing objectives in the administration of these grants.

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Consent Agenda – Continued:

Wood moved to accept the Consent Agenda as presented. Hamilton seconded. The motion carried unanimously.

Public Comments:

There were none.

Meeting adjourned at 8:31 p.m.

Mayor

Town Clerk